



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, TUESDAY, NOVEMBER 3, 2015

No. 163

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. KELLY of Mississippi).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 3, 2015.

I hereby appoint the Honorable TRENT KELLY to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2015, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

ADA EDUCATION AND REFORM ACT OF 2015

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, Doughnuts to Go is a small, family-owned shop in California managed by Lee Ky. Like any small business, its success depends on the hard work and grit of the folks who own it.

Lee's success was threatened in 2012 when Doughnuts to Go was sued by ADA trolls for alleged violations of the Americans with Disabilities Act. The lawsuit alleged minute violations, in-

cluding—get this—a mislabeled table, door handles that were off by a few centimeters, and the trash can in the bathroom was in the wrong place.

Lee was surprised by this lawsuit, especially because she is disabled herself. Lee is confined to a wheelchair and runs her store that she believes is ADA compliant. Lee was targeted by a serial plaintiff who never set foot in the store and who also sued nearly 80 other businesses in the area.

Unfortunately, Lee's not alone. Mr. Speaker, there is a whole industry made up of people who prey on and strong-arm small businesses in order to make money off of ADA lawsuits. To these trolls, it is about making money, not helping the disabled get access to businesses.

In 1990, the Americans with Disabilities Act was signed into law. Now, after 25 years of progress and advancement, the integrity of this landmark legislation is being threatened by a handful of lawyers and plaintiffs.

The vast majority of businesses strive to serve their customers to the best of their ability, relying on the ADA as another tool to help ensure that customers with disabilities can enjoy the services they provide. Most of these businessowners believe they are compliant with the ADA. Their businesses have even passed local and State inspections. However, despite their best attempts, certain attorneys and their pool of serial plaintiffs look for minor, easily correctible ADA infractions so they can file a lawsuit and make some cash off, I believe, the disabled.

Faced with the threat of a lawsuit for minor infractions, small-business owners find themselves in a dilemma. They have few choices: settle out of court or spend time and money to go through the legal process. This becomes a lose-lose situation.

At face value, these drive-by lawsuits are an easy way for both greedy plain-

tiffs and attorneys to make a quick buck. In many cases, a single plaintiff signs onto multiple cases, alleging violations at businesses and properties where the plaintiff has never set foot. In California, for example, one serial plaintiff filed over 250 separate lawsuits. Another individual filed more than 800, and a third nearly 1,000. Some of these lawsuits are filed by plaintiffs that never have been in the business or even live in the State. The abuse is obvious.

Unfortunately, these lawsuits are on the rise nationwide. In 2014 alone, there was a 63 percent increase in ADA lawsuits for businesses open to the public, with more than 4,000 individual cases making their way to Federal courts.

What's more is that local and State courts across the country are finding themselves inundated by these drive-by lawsuits, and some have created special rules to deal with the sheer volume of these cases. Because of this, State legislatures have begun to take action.

The Texas State Legislature has already filed steps to curtail these practices. The ADA, however, is Federal law, and as such, Congress must remedy this harmful practice of drive-by lawsuits targeting small businesses.

This is why I am introducing the ADA Education and Reform Act of 2015, H.R. 3765. This legislation will provide businessowners with an opportunity to remedy the alleged ADA infractions before being saddled with legal fees. Businessowners will have a 120-day window when given notice by the plaintiff to make any necessary public accommodation corrections and update their business. If the businessowner fails to correct the infractions, the plaintiff retains all of their rights to pursue legal action under ADA. This legislation restores the purpose of the ADA, which is to provide access and accommodation to disabled Americans, not to fatten the wallets of ADA trolls.

So I recommend to the House of Representatives that they sign onto this

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H7393